

Ex. '1'
(Declaration of M. Schulte)

CHRISTOPHER P. BURKE, ESQ.
Nevada Bar No.: 004093
atty@cburke.lvcoxmail.com
218 S. Maryland Pkwy.
Las Vegas, Nevada 89101
(702) 385-7987
Attorney for Debtor
for Limited Purpose

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

MELANI SCHULTE and
WILLIAM R. SCHULTE, (Deceased)

Debtors.

Case No. 09-29123-MKN

Chapter 11

Date: October 7, 2020
Time: 9:30 a.m.

**PURSUANT TO 28 U.S.C. §1746 MELANI SCHULTE
DECLARES THE FOLLOWING:**

I, Melani Schulte, declare under penalty of perjury the following:

1. That I am one of the above-mentioned Debtors in this chapter 11 bankruptcy case filed on October 11, 2009.
2. That on Schedule B of the petition, we listed many properties, including one located at 9500 Aspen Glow Drive, Las Vegas Nevada 89134 ("Aspen Glow Dr.").
3. That on May 26, 2010 Secured Creditor CitiMortgage filed a Proof of Claim (claim no. 67-1) on Aspen Glow Dr., which lists \$13,505.31 in pre-petition arrears and a total claim of \$105,657.89 due as of date of filing.
4. That on January 29, 2010 the Plan of Reorganization (Dkt. #67) and Disclosure Statement were filed (Dkt. #68).
5. That on May 31, 2010 the Amended Disclosure Statement was filed (Dkt.# 250).
6. That on May 31, 2010, the Amended Plan of Reorganization (Dkt.# 251) and Exhibit B (Table of Properties) to Disclosure Statement was filed (Dkt.# 252).
7. That on October 5, 2010, the Second Amended Disclosure Statement (Dkt. #752) and the Amended Plan #3 of Reorganization was filed (Dkt.# 753).

- 1 8. That on November 9, 2010, the Third Amended Disclosure Statement was
2 filed (Dkt. #816).
- 3 9. That on November 23, 2010, the Amended Plan #4 of Reorganization was
4 filed (Dkt. #834) and on November 23, 2010, the Fourth Amended Disclosure
5 Statement was filed (Dkt. #832).
- 6 10. That the Amended Chapter 11 Plan #4 was confirmed ("Confirmed Plan") and
7 incorporated the Agreed Order by reference to Citi's class treatment, and the
8 Court confirmed the proposed plan on March 8, 2011 ("Confirmation Order").
9 In the Agreed Order the secured creditors claim on Aspen Glow Dr., was
10 reduced to a secured claim of **\$94,646.23.** and was to be paid over thirty
11 (30) years at **5.25% interest** at **monthly principal** and **interest**
12 **payments of \$522.64** each commencing with the March 1, 2011 post-
13 petition monthly mortgage payment. We were also required to maintain
14 insurance and pay the property taxes on the subject property.
- 15 11. That on March 16, 2011 a Stipulation was filed between Citi Re: Treatment of
16 CitiMortgage's Claim on Aspen Glow Dr. (Dkt. #917). And on March 18, 2011
17 the Agreed Order on Stipulated Order Regarding Treatment of Creditor's
18 Claim Pursuant to Chapter 11 plan was filed (Dkt. #925).
- 19 12. That I received a discharge on December 15, 2015. (Dkt. #1182)
- 20 13. That I continued making the payments in accordance with the Stipulation,
21 including paying the monthly principal and interest and Escrow payments.
- 22 14. That starting around April 2011 and going on into late 2020, I received the
23 attached true and correct copies of dozens of written correspondence from
24 Citi and Cenlar with the wrong monthly payments and interest rate.
- 25 15. That on several occasions, I would get so tired of the incorrect amount and
26 interest rate on the mortgage statements that I would write to Citi requesting
27 information regarding the loan account.
- 28 16. That the payments made between the date of the bankruptcy in the court
ordered amount of \$522.64 at a rate of 5.25% were not applied correctly.
17. That Citi has left those payments in an unapplied funds category and not
applied them correctly to the balance.
18. That Citi continually added in to the account pre-bankruptcy charges, fees
etc. that had been stripped from the loan at confirmation.

- 1 19. That Citi continually added these false amounts, claiming that I'm due and
2 owing, placing me into default status as Citi numbers are
3 completely inaccurate. Filing false documents with the Clark County
4 Recorder's Office based on the above inaccurate and incorrect
5 numbers. Failing to correctly Board the loan per the bankruptcy
6 confirmation numbers. Filing incorrect and inaccurate information
7 on my credit report causing my credit score to be lowered. Not sending me
8 monthly statements with correct information detailed within.
- 9 20. That most of the time Citi would respond to my letters.
- 10 21. That on January 29, 2018, Citi called me at home. The operator told me
11 she was recording and that the bankruptcy was not noted in the file. She
12 was trying to give me the email for someone in foreclosure, but would not
13 give me the mailing address of this person. I told her I was recording the
14 call and the operator hanged up.
- 15 22. That on or about March 18, 2019 Citi sold this claim to Cenlar.
- 16 23. That my exhusband William R. Schulte passed on January 21, 2020.
- 17 24. That attached to this motion are some of the dozens of incorrect mortgage
18 statements from Citi, I received during my bankruptcy and after plan
19 confirmation and now from Cenlar, that has been ongoing for almost 10
20 years.
- 21 25. That these have, and continue to cause an emotional and financial strain
22 on me.
- 23 26. That I have spent money on gas, copies and time going back and forth to
24 my attorney office of \$150.

25 Dated this 4th day of September, 2020.

26 
27 _____
28 Melani Schulte